

**SUBJECT:** Crime victims' rights and victim-offender mediation

**COMMITTEE:** Criminal Jurisprudence — favorable, without amendment

**VOTE:** 6 ayes — Hinojosa, Keel, Talton, Green, Kitchen, Martinez Fischer  
0 nays  
3 absent — Dunnam, Garcia, Shields

**WITNESSES:** For — Andy Kahn, Harris County Inter-Agency Victim Council; William “Rusty” Hubbarth, Justice For All  
Against — None

**DIGEST:** HB 1572 would revise laws dealing with crime victims' rights, victim-offender mediation, notification about escapes and transfers of offenders, and the payment of parole supervision fees.

The bill would take effect September 1, 2001.

**Crime victims' rights.** HB 1572 would add to the current list of crime victims' rights the right:

- ! if requested, to be informed by the prosecutor about appellate court proceedings and by an appellate court about its decisions, after the decisions are entered but before they are made public;
- ! to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice (TDCJ); and
- ! to be informed about the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered by the prosecutor and the judge before sentencing or before a plea agreement is accepted and by the Board of Pardons and Paroles before an inmate is released on parole.

The victim impact statements that defendants and their attorneys now are permitted to read no longer would include the victim's name, address, and telephone number.

The brief general statement that prosecutors now must give to victims explaining the plea bargain stage of a criminal trial would have to include a statement that the prosecutor would consider victim impact statements and that the judge must ask for a copy of the statement.

HB 1572 would include victims' guardians and close relatives of victims in the current right given to victims to be present at all court proceedings relating to the offense, subject to a judge's approval.

The bill would add to the rights given to victims of juvenile offenders the right to be notified of the offender's escape. The Texas Youth Commission would have to use the same procedures used in the adult system to notify people of the release or escape of an offender.

Training programs for peace officers and county jailers offered by the Texas Commission on Law Enforcement Officer Standards and Education would have to include training in crime victims' rights and the duty of law enforcement agencies to ensure that victims are afforded those rights.

Victims or their family members who were subpoenaed to appear before a parole panel would be entitled to representation by an attorney at the hearing. The state would not have to provide the attorney.

**Victim-offender mediation.** TDCJ's victims services division would have to train volunteers to act as mediators between offenders who caused bodily injury or death to their victims and the victims, their guardians, and close relatives of deceased victims, and to provide mediation services, through the referral of a trained volunteer, if requested by a victim or their family.

Victim-offender mediation conducted by TDCJ would not be subject to current Government Code requirements that people appointed by governmental bodies to serve as impartial third parties in alternative dispute-resolution procedures be approved by both parties. TDCJ's victim-offender mediation would be included in the definition of mediation in the Civil

Practice and Remedies Code. Confidentiality requirements for certain records and communications in alternative dispute resolutions would be applied to TDCJ's victim-offender mediation. These provisions would apply to mediation procedures provided before, during, or after the bill's effective date.

The Texas Crime Victim Clearinghouse would be authorized to conduct an annual conference to provide training on crime victims' rights to participants in the criminal justice system.

**Notification of offender escapes and transfers.** Instead of having to make a reasonable attempt to notify victims who had requested notification of inmate escapes, TDCJ would have to notify them immediately. TDCJ also would have to notify victims who had requested notification when an inmate was transferred to a peace officer's custody under a writ of attachment or a bench warrant. TDCJ would have to include the peace officer's name, address, and telephone number in the notification and would have to notify the victim when the inmate was returned to TDCJ.

Local community corrections and supervision (probation) departments would have to notify victims or their families immediately, instead of making a reasonable effort, if an offender was placed on probation.

**Waiving parole supervision fee.** The pardons and parole division of TDCJ could waive a parole supervision fee or an administrative fee during periods in which inmates were required to pay restitution.